

**Appeal to the Superior Council of Magistracy
for the selection of two competent and righteous constitutional judges**

Chişinău, 15 July 2019

Copy: Parliament of Moldova

The signatory organisations urge the Superior Council of Magistracy (SCM) to select two candidates for the Constitutional Judge seats who will be genuinely righteous and competent, who are not suspected of corruption, lack integrity or manifested suspicious behaviour. In the same pursuit, the signatory organizations call on the Superior Council of Magistracy to reason their decision, giving an example of a merit and transparent competition.

On [20 June 2019](#), the President of the Constitutional Court resigned as Judge and President of the Constitutional Court. On [26 June 2019](#) the rest of the five judges from the Constitutional Court resigned as well. The resignations occurred after the Constitutional Court adopted between 7-9 June 2019, six acts that were not based on the Constitution of the Republic of Moldova or the jurisprudence of the Court, as later [confirmed by the Venice Commission](#) on 24 June 2019. These have generated an unprecedented political crisis in the Republic of Moldova.

The resignation of the constitutional judges has given a chance for the competent institutions to start selecting new individuals who are competent and righteous for the positions of constitutional judges. All three institutions - the Parliament, the Government and the SCM - have announced public contests for the selection of new judges. The SCM announced the contest on 2 July 2019. The [SCM announcement](#) provided the two stages of the contest, namely preselection of the candidates and the interview, which will take place on 16 July 2019, when the contest winners shall be announced. Nevertheless, the SCM failed to explain the selection criteria nor whether if the interviews will be public.

At the contest announced by the SCM, an unprecedented number of [candidates registered](#) (14 in total) if comparing with the previous contests. This number suggests an increased interest and perhaps a confidence that this time the SCM will take merit-based decisions and select the best candidates. In view of this, as well as considering the shameful circumstances which led to the resignation of previous constitutional judges, the SCM has a particularly important mission – to select two truly competent and righteous candidates who are not suspected of corruption, lack integrity or manifested suspicious behaviour. We encourage the SCM to scrutinize journalistic investigations regarding candidates who have entered the competition and other information available to them about the candidates.

Due to faulty practices of SCM on previous contests for the selection and promotion of judges in the last 4-5 years, namely the lack of selection criteria and failure to state reasons of their latest decisions on selection of constitutional judges, **we respectfully request the SCM:**

- 1) to announce the criteria for the selection of candidates for the Constitutional Judge before the interview;**
- 2) make public the interviews or at least publish them immediately after the SCM sitting if they are not to be held in the public session of the SCM;**
- 3) if the short term does not allow a thorough examination of the candidates profiles, we urge the SCM to postpone the contest or decision on the contest results for a few days;**

- 4) to select two truly qualified and competent candidates;
- 5) to provide sufficient reasoning regarding the decision on selecting these two judges of the Constitutional Court.

If the SCM again chooses, without sufficient reasoning to select candidates lacking integrity as constitutional judges, we call on the Parliament to urgently examine the possibility of amending existing legislation to ensure that in the future the SCM does not act in corporate or small interest groups.

Signatories:

1. Amnesty International Moldova
2. Association for Participatory Democracy „ADEPT”
3. Association for Efficient and Responsible Governance (AGER)
4. Foreign Policy Association (APE)
5. Association of Independent Press (API)
6. Center „Acces-info”
7. Promo-LEX
8. „Contact” Center
9. Center for Investigative Journalism
10. Legal Resources Centre from Moldova (LRCM)
11. Center "Partnership for Development"(CPD)
12. Watchdog.MD
13. CPR Moldova
14. Est-European Foundation
15. Human Rights Embassy
16. (IDIS) „Viitorul”
17. Institute for Public Policy (IPP)
18. Institute for European Policies and Reforms (IPRE)
19. Transparency International Moldova
20. Expert-Grup
21. Association for Human Rights Lex XXI (ADO Lex XXI)
22. Association of Criminal Law in the Republic of Moldova

The list of signatories remains open